

Maine Revised Statutes
Title 19-A: DOMESTIC RELATIONS
Chapter 55: RIGHTS AND RESPONSIBILITIES

§1658. TERMINATION OF PARENTAL RIGHTS AND RESPONSIBILITIES IN CASES INVOLVING SEXUAL ASSAULT

This section applies to the termination of parental rights and responsibilities with respect to a specific child conceived as a result of an act of sexual assault by the parent of that child. [2015, c. 427, §1 (RPR) .]

1. Petitioner. The petition for termination may be filed by the other parent or, if the other parent is a minor, the parent or guardian of the other parent.

[2015, c. 427, §1 (RPR) .]

2. Petition. The petitioner may file a petition with the District Court that requests the termination of the parental rights and responsibilities of the parent and alleges:

A. That the parent was convicted of a crime involving sexual assault, as defined in Title 17-A, section 253, 254 or 556, or a comparable crime in another jurisdiction, that resulted in the conception of the child; or [2015, c. 427, §1 (RPR) .]

B. That the child was conceived as a result of an act of sexual assault, as defined in Title 17-A, section 253, 254 or 556, or a comparable crime in another jurisdiction. [2015, c. 427, §1 (RPR) .]

[2015, c. 427, §1 (RPR) .]

3. Termination. Except as provided in subsection 4, if the petitioner proves the allegation in subsection 2, paragraph A by a preponderance of the evidence, the court shall terminate the parental rights and responsibilities of the parent. If the petitioner proves the allegation in subsection 2, paragraph B by clear and convincing evidence, the court may terminate the parental rights and responsibilities of the parent.

[2015, c. 427, §1 (RPR) .]

4. Exception. The court is not required to terminate the parental rights and responsibilities of a parent convicted of gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B that resulted in the conception of the child if:

A. The parent or guardian of the other parent filed the petition; [2015, c. 427, §1 (RPR) .]

B. The other parent informs the court that the sexual act was consensual; and [2015, c. 427, §1 (RPR) .]

C. The other parent opposes the termination of the parental rights and responsibilities of the parent convicted of the gross sexual assault. [2015, c. 427, §1 (RPR) .]

[2015, c. 427, §1 (RPR) .]

SECTION HISTORY

1997, c. 363, §1 (NEW). 2015, c. 427, §1 (RPR).

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